

REMARKS

The applicant appreciates the Examiner's thorough examination of the application and requests reexamination and reconsideration of the application in view of the following remarks.

The applicant notes that the Examiner has withdrawn the species requirement from the previous Office Action. Accordingly, claims 1-27 have been elected for prosecution in the subject application.

The Examiner objects to claims 5 and 14 because of certain informalities. The applicant has amended claims 5 and 14 to correct the informalities. Accordingly, the applicant requests withdrawal of the objection to the claims.

The Examiner rejects claims 7, 10, 12, 21, and 24 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter the applicant regards as the invention. The applicant has amended claims 7, 10, 12, 21, 24 and 26 to better define the invention. Accordingly, the applicant submits that the § 112 rejections have been overcome.

The Examiner rejects claims 1-10, 13-24, and 27 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,554,819 to Reich, and claims 11, 12, 25, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Reich in view of Doty *et al.* Effect of Increased Renal Venous Pressure on Renal Function.

Independent claim 1 of the subject application is directed to a method for protecting a kidney in a mammalian patient from an insult comprising at least partially occluding at least one renal vein of the patient, elevating a renal vein blood pressure, and reducing the renal vein blood pressure from the elevated blood pressure. Independent claim 14 includes similar features.

Reich is directed to a method and device for preventing contrast associated nephropathy. When contrast solution is injected into the coronary artery of a patient, blood is prevented from flowing through the coronary sinus into the right atrium. The blood in the coronary sinus is bypassed to a filtration device which filters out the contrast solution from the blood and recirculates the blood back to the patient. Preferably, blood flow from the coronary sinus is blocked by a balloon catheter which includes a port distal of the balloon so that when the sinus is occluded, blood flows from the sinus into the central lumen of the catheter where it can be directed to the filtration device. *See the Abstract of Reich.*

The Examiner alleges that Reich discloses a method of protecting a kidney from an insult by temporarily occluding a renal vein. The Examiner further alleges that the figures and description of Reich apply the method to a coronary sinus, but lines 12-21 of Column 5 of Reich disclose applying the method to renal veins to protect kidneys from contrast.

However, the applicant submits that the passage of Reich referred to by the Examiner fails to disclose applying the method of Reich to renal veins. The main idea behind Reich is to prevent the flow of contrast solution to the kidneys. *See Col. 2, lines 25-26 of Reich.* Reich prevents the contrast injected into the coronary artery from reaching the kidneys by blocking the blood flow from the coronary sinus. The blood flow blockage of Reich occurs at the same organ the contrast is injected into.

In the passage of Reich cited by the Examiner, Reich states that contrast angiography can be used to image arteries in organs or extremities such as the legs, arms, and brain, and that the invention of Reich can be used to prevent contrast associated nephropathy by blocking blood flow from a vein to the patient's kidneys. In accordance with the method of Reich, the veins that would be blocked to prevent blood flow to the patient's kidneys would be veins in the

extremities or organs being tested such as veins in the legs, arms, or leading to the brain.

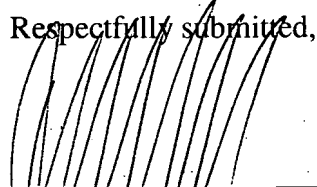
Nowhere does Reich disclose partially occluding at least one renal vein and elevating a renal vein blood pressure as claimed by the applicant.

Accordingly, independent claims 1 and 14, and dependent claims 2-13 and 15-27 are patentable over Reich, either alone or in combination with Doty.

Each of the Examiner's rejections has been addressed or traversed. Accordingly, it is respectfully submitted that the application is in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned or his associates, collect in Waltham, Massachusetts at (781) 890-5678.

Respectfully submitted,



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